

## **TOWN OF PACIFIC**

An ordinance to amend the Town of Pacific Waste Disposal and Dumping Ordinance.

The Town Board of the Town of Pacific does ordain as follows:  
That SECTION 11 entitled REVOCATION be amended to read as follows:

A. If there is a material and substantial violation of this ordinance or if there is a substantial failure to carry out the plan of operation, the Town Board shall have the right to revoke the dumping or disposal permit, and, if necessary, obtain a court order terminating such dumping or disposal operation.

B. Notice of intent to revoke permit issued hereunder shall be served upon the permit holder at least 30 days in advance of any action taken by the Town Board to revoke the permit. The permit holder shall be entitled to a hearing before the Town Board on the issue of the revocation of the permit prior to any action being taken by the Town Board with respect to permit revocation.

That SECTION 10, paragraph B under the caption TERM OF PERMIT AND RENEWAL be amended to add the following: The Town Board shall not deny a permit renewal application properly filed by the permit holder with the Town Board unless the Town Board finds after a hearing that grounds for revocation of the permit exist as set forth in SECTION 11 of this ordinance.

## **TOWN OF PACIFIC**

### **WASTE DISPOSAL AND DUMPING ORDINANCE**

An ordinance creating regulations on dumping and waste disposal within the Town of Pacific.

The Town Board of the Town of Pacific does ordain as follows:

#### **SECTION 1 - PURPOSE**

The purpose of this ordinance is to regulate the dumping or disposal of waste, garbage, refuse and sludge by individuals, corporations, and municipalities within the Town of Pacific, hereinafter referred to as "Town". Because of the possible danger to the environment and to the health, safety and welfare of the public, such dumping or disposal within the Town shall only be permitted under the terms and conditions set forth below.

#### **SECTION 2 - DEFINITIONS**

A. Dumping or Disposal. Dumping or disposal includes, but is not limited to, unloading, throwing away, discarding, emptying, abandoning, discharging, burning, or burying waste, garbage, refuse or sludge on, into or under any property or lands, whether publicly or privately owned, within the Town.

B. Waste. Waste is garbage, refuse, sludge, and all other discarded or salvageable material, including waste materials resulting from industrial, commercial and agricultural operations and from industrial use and public service activities.

C. Garbage. Garbage is discarded material resulting from the handling, processing, storage, preparation, serving and consumption of food.

D. Refuse. Refuse is combustible and noncombustible discarded material including, but not limited to, trash, rubbish, paper, wood, metal, glass, plastic, rubber, cloth, ashes, litter and street rubbish, industrial waste, dead animals, mine railings, gravel pit and quarry spoils, toxic and hazardous wastes, and material and debris resulting from construction or demolition.

E. Sludge. Sludge is sewage treatment residue in any form whatsoever, whether solid, semi-solid or liquid which has been processed or treated in any way, form or manner.

F. Municipality. Municipality is any city, village, or town.

G. Plan of operation. A document, which sets forth the following information respecting a disposal or dumping operation:

- I. A map designating the location of the proposed operation.
2. The type of waste to be dumped or disposed of.
3. The source of the waste.
4. The quantity of waste to be dumped or disposed of.
5. The time period during which the disposal or dumping operation is projected to last.
6. The means of transporting the waste.
7. Information respecting the operation and care of the dumping or disposal site, including, but not limited to, the following:
  - a) The hours of operation
  - b) Supervision of the site
  - c) Provisions for restriction and control of the access to the site
  - d) Means of rodent and insect control
8. Plans for preparation of the site for dumping or disposal, care of the site during dumping or disposal operations, and measures to be taken to prepare the site for closing.

### **SECTION 3 - PERMIT REQUIRED**

Except as expressly excluded pursuant to Section 4 below, no individual, corporation, or municipality shall dump or dispose of waste, garbage, refuse, or sludge within the Town unless a permit to engage in such dumping or disposal is first obtained from the Town under the conditions prescribed herein.

### **SECTION 4 - EXCEPTIONS**

The following shall not be deemed to come within the scope or meaning of this ordinance:

A. Sites used for the dumping or disposal of waste, garbage, or refuse from a single family or household, a member of which is the owner, occupant or lessee of the property, provided however, that such waste, garbage or refuse is placed in suitable containers or stored in such other way as to not cause a public or private nuisance.

B. The use of sanitary privies and what are commonly known as seepage beds or septic tanks, which conform to applicable ordinances of the Town, or the discharge of human waste products into the public sewage system located within the Town.

C. A farm on which only animal waste resulting from the operation of that farm are disposed of.

D. Any dumping operation under the direction and control of the Town.

### **SECTION 5 - GENERAL REGULATIONS**

Persons, corporations, or municipalities who obtain a permit pursuant to this ordinance to engage in dumping or disposal operations shall be subject to the following regulations:

A. The dumping or disposal operations must be conducted in such a way as to not constitute a public or private nuisance.

B. The dumping or disposal operations shall be permitted only in the specific area(s) designated in the plan of operation filed with the Town Clerk and designated on the dumping permit issued by the Town.

C. Persons, corporations, or municipalities engaged in dumping or disposal operations must conduct the operations in such a way that dust, dirt, waste, debris, and other materials or substances will not be carried by wind across the boundary of the parcel of land being used for dumping or disposal operations.

D. A suitable covering of gravel or dirt shall be placed over all of the area used for dumping or disposal operation within a reasonable time after the dumping or disposal occurs, not to exceed three days; such covering must be done in such a way as to give the area so covered a grading compatible with the surrounding and adjacent property so as not to substantially depreciate property values within the immediate area.

E. No waste may be dumped or disposed of which has not been identified in the application for the dumping or disposal permit.

## **SECTION 6 - APPLICATION**

A. An individual, corporation or municipality desiring to engage in a disposal operation shall make application to the Town Clerk. The application shall contain the following:

1. The name and address of the applicant
2. An explanation of the nature and purpose of the proposed dumping or disposal
3. A dumping or disposal plan of operation

B. Each application for a permit to engage in dumping or disposal operations shall be on file with the Town Clerk at least thirty days before the public hearing herein required.

C. The cost of publishing notice of hearing on applications hereunder shall be paid by the applicant and deposited with the Town Clerk when an application is filed.

## **SECTION 7 - PUBLIC HEARING**

A public hearing shall be required on each application to conduct a dumping or disposal operation, as follows:

A. Notice of hearing on an application shall be given as a class 3 notice as described in Section 985.07 Wisconsin Statutes.

B. A public hearing shall be held on the date specified in the notice, or any adjourned date, which shall not be earlier than thirty days from the date on which the application was filed.

C. Public hearing shall be advisory only respecting any application, all action thereon being within the sole discretion of the Town Board.

## **SECTION 8 - BOND**

A. As a condition for the issuance of a permit, the Town shall require the applicant to post a \$300. Bond, the condition of which will be compliance with the provisions of this ordinance, that the dumping or disposal operations will be carried out pursuant to the plan of operation, and any penalties imposed hereunder shall be paid. Furthermore, if after reasonable demand by the Town, a permit holder does not cover a dumping or disposal area in accordance with the plan of operation, the Town Board may correct such failure to perform and charge the expense of such necessary work against the bond.

B. As a condition for the issuance of a permit, an applicant grants to the duly authorized representative of the Town, the right to go upon the land and carry out the plan of operation if the permit holder fails to do so after reasonable notice is given.

## **SECTION 9 - ISSUANCE**

The application for a permit shall be processed within 90 days of the receipt thereof, and shall be issued if the Town Board is satisfied that there has been and will be reasonable compliance with the conditions enumerated herein.

## **SECTION 10 - TERM OF PERMIT AND RENEWAL**

A. The term of any permit issued hereunder shall expire on December 31 of each year.

B. A permit issued pursuant to this ordinance may be renewed by the Town Board, without public hearing or published notice, upon application made to the Town Clerk at least thirty days prior to the expiration of the permit.

## **SECTION 11 - REVOCATION**

A. If there is a Violation of this ordinance or if the plan of operation is not carried out, the Town Board shall have the right to revoke the dumping or disposal permit, and, if necessary, obtain a court order terminating such dumping or disposal operation.

B. Any permit issued hereunder may be revoked after public hearing pursuant to publication of a class 1 notice by the Town and upon the showing of:

1. Violation of any of the terms or conditions for the issuance of a permit.
2. Violation of any term of this ordinance.

## **SECTION 12 - STATE LAW ALSO APPLIES**

Nothing contained herein shall be deemed to limit or restrict the application of any state law or administrative regulation of any state agency regulating the subject of this ordinance.

## **SECTION 13 - REFERENCES**

References to the term "person", "anyone" or like references shall be deemed to refer to a person, a sole proprietorship, a partnership, a corporation and also a responsible member or a responsible officer or a responsible managing agent of any single proprietorship, partnership or corporation unless the context indicates otherwise.

#### **SECTION 14 - SEVERABILITY AND CONFLICT**

If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

#### **SECTION 15 - PENALTY**

Any person violating this ordinance shall be fined not less than \$10.00 not more than \$200.00 for each offense. Imprisonment in the County Jail can be ordered only for failure to pay the fine that may be imposed. If imprisonment is ordered for failure to pay the fines it shall be limited to one day of confinement for each \$5.00 of fine or fraction thereof.

#### **SECTION 16 - EFFECTIVE DATE**

This ordinance shall take effect the day after proof of posting has been filed and recorded with the Town Clerk.

Dated:

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Town Chairman

Attest:

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Town Clerk